

**April 9, 2007**

**I. Call to Order/Roll Call/Opening Ceremonies**

Chairman Alex Vispoli opened the meeting of the Board of Selectmen on Monday, April 9, 2007 in the Selectmen's Conference Room in the Town Offices at 6:05 p.m. Present were Selectmen Mary Lyman, Ted Teichert, Jerry Stabile, Brian Major and Chairman Alex Vispoli. Town Manager Buzz Stapczynski was also present.

**II. Executive Session**

It was moved by Selectman Lyman and seconded by Selectman Major that the Board goes into Executive Session to discuss land acquisition to return to Open Session. The motion was voted and approved 5-0 by roll call vote, Selectmen Lyman, Teichert, Stabile, Teichert and Chairman Vispoli in favor. Present at the Executive Session was Town Manager Buzz Stapczynski.

There being no further business to come before the Board, a motion was duly made and seconded to adjourn the Executive Session and return to the Open Meeting at 7:07 p.m. The motion was voted and passed 5-0 by roll call vote, Selectmen Teichert, Lyman, Stabile, Major and Chairman Vispoli, in favor of the motion.

**III. Opening Ceremonies**

Upon return from Executive Session, Chairman Vispoli called the Regular Meeting to order at 7:10 p.m. Selectmen Lyman, Teichert, Stabile, Major and Chairman Vispoli was present. Also present was Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. The Chairman called for a moment of silence followed by the pledge of allegiance. Recording Secretary Elizabeth A. Kochakian took the minutes. This meeting was duly posted and cablecast live.

**IV. Communications/Announcements/Liaison Reports**

**Town Manager Stapczynski:**

- Welcomed to the Board, Selectman Jerry Stabile, as well as incumbent Selectman Alex Vispoli.
- Andover has once again been designated Tree City USA and a ceremony will take place on Arbor Day, April 27<sup>th</sup>, 2007.
- The Town recently received the CAER (Certificate of Achievement for Excellence in Reporting) award for the excellent job they have done in financial reporting for FY06.
- That the "Change of Light" challenge between the Towns of Andover and North Andover was not doing very well for Andover. The Manager said they have to do some serious work to catch up and urged people to sign up and change their bulbs. For further information on this, he asked that residents call his office.

**IV. Communications/Announcements/Liaison (Cont.)**

**Town Clerk Randy Hanson**

- Ms. Hanson said they had a successful town election with 22% of the registered voters voting. She saw this as an improvement from two years ago when they had 2% voter participation and last year 12%. She then reported the following results: Sheila Doherty was

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elected Moderator; Debra Silberstein and Dick Collins were elected to School Committee; Alex Vispoli and Jerry Stabile were elected to Selectmen; and Jan Berkholder was elected to a one year term with the Housing Authority.

- She announced that her office would be open Friday night until 8:00 p.m. for voter registration for the Special Town Meeting on April 24, 2007. She noted that these registrants would be able to vote in the Special Town Meeting but not in the Annual Town Meeting. Also, for the Annual Town Meeting, Ms. Hanson said they would have busses that will run the length of Red Spring Road or from the parking lot of the West Middle School to the Field House. Transportation will be available the two nights.

#### **Selectman Jerry Stabile:**

- Thanked Randy Hanson and her team for doing a great job with the election.

#### **Selectman Mary Lyman:**

- Council on Aging meeting will be held Thursday morning at 8:00 a.m. at the Senior Center.
- Ms. Lyman also thanked the Town Clerk especially for the new handicap accessible voting machines. When she asked, she said that Ms. Hanson had already set up an appointment for the Commission of Disabilities to go and check out the machines before they voted so they will be familiar with them. She said Ms. Hanson was right on target and always one step ahead. Ms. Hanson said that at the next election, the Selectmen might like to try them also to see how they feel about it. She felt people were appreciative that they could vote independently. As they educate more people and they become more familiar with the machines, Ms. Hanson said they would be used more.

#### **Selectman Ted Teichert:**

- Welcomed Jerry Stabile to the Board.
- The School Building Task Force will be meeting Wednesday in the School Committee Meeting Room at 5:00 p.m.

#### **Selectman Alex Vispoli:**

- On Saturday, there was a walking tour of the land contemplated in Article 40 of the Town Warrant. He said he joined the group led by Al French, Bob Douglas, Gail Ralston and a host of 25 people. It was a great day and he was happy to see this valuable piece of land which is a great opportunity to get at no charge to the Town. He encouraged everyone to vote in favor of the article. He offered his thanks to everyone that put this together.

#### **V. Citizens Petitions and Presentations**

##### **A. Amy L. Janovsky, 6 Snowberry Road**

Amy Janovsky appeared before the Board to inform the public about an event that will be held on Saturday, April 14, 2007 in Andover called "Step it Up 2007." It is a National Day of Climate Action. She said there are communities all around the country who are all coming together on this one day to bring a message to Congress saying "Step it Up;" cut carbon by 80% by 2050. All the public schools in Andover are helping putting together banners, posters, etc. The request is that everyone shows up at 10:30 a.m. at Old Town Hall. The main feature will be a photograph of the group with the banners that will be sent to the national organizers and there is going to be a national

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collage of all these events. There are about 900 of them across the country. Ms. Janovsky said that inside of Old Town Hall there will be some informational tables, student presentations, free entertainment, and a couple of films running.

### **B. Kenneth Hyde, 19 Kirkland Drive, RE: Article 43 – Building & Property Maintenance Code General Bylaw**

Kenneth Hyde appeared before the Board and briefly spoke on the amendment he was sponsoring to Article 42 that he sent to the Board on Friday. He said it radically brought down the bylaw from being very broad and then further refined down to one paragraph. Briefly, he said the amendment defines weeds that are more than 10 inches in height deemed favorable for harboring mosquitoes and the accumulation of trash which may cause a fire hazard or may act as a breeding place for rats, mice, snakes, animals or reptiles alike. All outdoor storage that will continue to appear exceeding 90 days shall be screened from view but did make an exception for functional items.

## **VI. Public Hearing**

### **A. National Grid**

A public hearing was held to hear the request of National Grid for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Abbot Street at Spring Grove Cemetery – approximate location shown on Plan #2079113, dated 2/27/07.

The request has been reviewed and approved by the Department of Public Works subject to the condition that the location of the anchor at the Cemetery be approved by the Plant & Facilities Department and the Spring Grove Cemetery Trustees. A street opening permit must be obtained from the DPW prior to the commencement of the work. No one was present to speak on this request. Town Clerk Hanson reported that the abutters have been notified.

## **VI. Public Hearing (Cont.)**

### **A. National Grid (Cont.)**

It was moved by Selectman Major and seconded by Selectman Lyman to approve the above request. The motion was voted and passed 5-0.

## **VII. Regular Business of the Board**

### **A. Discussion on Special Town Meeting Warrant Articles**

#### **Article #1 – Youth Center Request for Proposals (P)**

Jerry Silverman, Chair of the Andover Youth Foundation, appeared before the Board to speak on the Youth Center request. Also present was Bill Fahey, Director of Youth Services. Mr. Silverman said that last Monday night the School Committee by a vote of 5-0 approved of the land

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transfer of the property behind the Doherty School to the Selectmen.

Under Article 24, he said they would be requesting that the Selectmen vote to transfer the same land to the Andover Youth Foundation. Mr. Silverman noted that this presentation was made a week ago Thursday night at the Senior Center and Friday morning here at an open meeting and at the School Committee session last Monday night. He said that only the last presentation was televised.

Mr. Fahey thanked the Board for the opportunity to speak this evening. Also present were members of the Andover Youth Council and Youth Action Council. He said these people have donated a tremendous amount of time to this cause. He then started the Power Point presentation with their motto, "Where it is At" the development of the Youth Services program and the site behind Doherty. He said two Selectmen Brian Major and John Hess and two School Committee members have been involved in a subcommittee for a youth center for a long time now. Mr. Fahey said the Youth Foundation is seeking to explore the site located behind Doherty Middle School to build the youth center. The last 13 years they have been working hard to build a very strong program and it has grown from a couple of hundred kids to 1000 kids in that time frame. A previous site in West Andover was determined not the best site to serve the Town of Andover. Mr. Fahey said the focus is on youth development through programs after school and anything that happens comes from the young people and they should receive credit for it.

Mr. Fahey said they feel Doherty is the best location for the Youth Center because it is a central location to both middle schools. There are playing fields there and a place where they think they can develop the right programs for the future of Andover. He said they went through an extensive traffic study in the fall and it has been revised and created again in December and they have developed different parking scenarios. They understand what the parking needs are, the

### **VII. Regular Business of the Board (Cont.)**

#### **A. Discuss Special Town Meeting Warrant Articles (Cont.):**

##### **Article #1 – Youth Center Request for Proposals (P) (Cont.)**

uses, and identified them. They have determined that parking is an issue as well as traffic but not issues that are not insurmountable. It is a matter of scheduling and knowing when the users are. Mr. Fahey said they are before the Selectmen tonight looking for the Board's vote of approval on Article #24 and then to Town Meeting hoping for their approval. If they get the approval, the building will not be built unless it meets the needs of all the users in that area and the Town in terms of what kind of building they want to build. They will have to go through the Planning Department, Plant and Facilities, School Department, Police and Fire and none of those groups will sign off unless it meets their needs. Also they need to raise a couple of million of dollars. He felt they could do that.

A discussion was held on the parking needs in the area around the proposed center. Mr. Fahey said they believe they can recreate the parking currently there even when adding a building and possibly will be able to add a few more parking spots. Their current proposal is asking the Board to give permission to research this site and continue to do fundraising and moving forward and then try to meet the needs of the Town.

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Selectman Major said that based on a comment made by the School Committee, that once they take this vote would they will be outside the process. He recommended they continue with the two subcommittees and they work together through the process and to the point that they complete the construction of the building. Also added to that, Mr. Silverman said that there be a signoff by the Superintendent of Schools. Selectman Lyman suggested they get a copy of the entire meeting notes so as they progress they will be keep in the loop.

Selectman Lyman asked the status of the neighbors and neighborhood meetings. Mr. Fahey said he had received e-mails after the meeting and he wrote back that he would be more than happy to meet with any neighborhood groups after tonight's meeting. Also, that Selectman Jerry Stabile volunteered his time to go out and speak to the neighbors in the area. Mr. Silverman said there were 8 people from Bartlet Street for the first meeting. Mentioned at the meeting was the possibility of a drop off site in front of the Doherty School. Their plan is to set up a meeting with all the neighbors, including Morton Street residents, to come and sit down with them prior to town meeting. Selectman Teichert said he was at the meeting at the Senior Center and had mentioned there that all parties need to work together so this can happen. He felt they will and will listen to the concerns of the neighbors, the schools and the seniors.

After all discussion, it was moved by Selectman Major that the Board of Selectmen recommend approval of Warrant Article 24 – Land Transfer – Youth Center. The motion was seconded by Selectman Teichert, voted and passed 5-0.

### **VII. Regular Business of the Board (Cont.)**

#### **A. Discuss Special Town Meeting Warrant Articles (Cont.):**

##### **Article #1 – Youth Center Request for Proposals (P) (Cont.)**

It was moved by Selectman Major that the Board of Selectmen recommend withdrawal of Warrant Articles 23, 25 and 26, 2007. The motion was seconded by Selectman Lyman voted and passed 5-0.

It was moved by Selectman Major that the Board of Selectmen recommend approval of Special Town Meeting Warrant Article #1 – Youth Center Request for Proposals. The motion was seconded by Selectman Teichert, voted and approved 5-0.

##### **Article #2 - Special Town Meeting – General Bylaw Amendment – Sidewalk Snow Removal (P)**

Cindy Brown on behalf of the petitioners of Article #2 – in the Special Town Meeting Warrant appeared before the Board. She said there is a current sidewalk snow bylaw but it only pertains to businesses. Article #2 would amend the bylaw to require residential property owners as well to clear snow and ice from all sidewalks abutting their property within twenty-four hours after the end of any snowfall. This includes surrounding fire hydrants.

Ms. Brown said the people are now under the impression that it is the Town that should plow the sidewalks. She said the Town only plows some of the sidewalks and as a result people cannot walk the sidewalks that are not cleared causing a safety issue. A detailed discussion followed.

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Selectman Vispoli was concerned over the enforcement of such a bylaw and what would happen when people were away. He wondered what other towns did. Ms. Brown said that towns handle it differently. Some have a hotline for neighbors to call in for matters of non-compliance and the person in violation is sent a reminder. Ms. Brown said neighbors could be asked to shovel each other's driveways when they are away.

Selectman Stabile asked about the elderly and the handicapped. Ms. Brown said for the elderly there is a program in place called "snow busters" where high school students are available to shovel sidewalks for the elderly as well as the handicapped. Selectman Teichert said there are some neighborhoods with disintegrating sidewalks making it harder to shovel. Selectman Lyman said this bylaw would just involve residents getting a courtesy reminder that they should shovel their sidewalk to make it safe so people will not walk the streets. Selectman Major liked the intent of the bylaw but the difficulty he had with it was that there are a number of folks that would like to shovel the snow but when there is a wet snowstorm it is too difficult to shovel. Presently, he said that people are reminded every year to shovel their sidewalks and fire hydrants as well as take care of elderly neighbors. He could not support this article because he felt this is one of the things they should all be doing but not mandating that it be done because not

#### **VII. Regular Business of the Board (Cont.)**

##### **A. Discuss Special Town Meeting Warrant Articles (Cont.):**

##### **Article #2 - Special Town Meeting – General Bylaw Amendment – Sidewalk Snow Removal (P) (Cont.)**

everyone has the physical means to do it or to have it done. Selectman Stabile said he also likes the idea but mandating it goes beyond what some people may be able to accommodate and he felt this should be more of a neighborhood action kind of thing to do in one's neighborhood.

Selectman Lyman said a similar bylaw was brought up a couple of years ago and it was withdrawn hoping the people will shovel their sidewalks but they have not done it and here it is again. The Town Manager said if this becomes a bylaw it would be subject to a non-criminal fine. Ms. Brown said another issue that came up was the liability issue. If the town owns the sidewalk the town should be responsible for the sidewalk and be liable for it to be shoveled.

Harry Voorhees of Maple Avenue said he was the one that brought this issue to the attention of the Board 4 years ago with a similar article. The Board voted not to recommend approval of it except for Selectman Lyman and he withdrew it at town meeting. He had the understanding the Selectmen were going to be more proactive about this and explained the motivations behind this article.

Mr. Voorhees said the Selectmen have to decide if the current situation is acceptable to pedestrians, children, people walking to the train station, for the handicapped and whether it is acceptable not to be able to use the sidewalks in the winter and have to use the streets. Selectman Stabile said he would like to see what the root cause of the problem is to see if something can be done to improve the snow removal.

Chairman Vispoli said he would like a report on what other towns in the area do. Ms. Brown said she has surveyed area towns and will look into that further. Selectman Teichert said he was

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willing to try this but with more of a friendly reminder type of notice and not a fine. Other means of notification for residents to shovel were discussed; a public service announcement on cable TV, along with the Town census or putting notice on the electronic billboard. The Manager noted that they have a sidewalk snowplowing plan but it does not include every street in town.

They plow Main Street as best they can and near schools and do rely on the good nature of the residents to plow the sidewalks. Perhaps they do need the bylaw and something on the books with the understanding they are not going to hound people and start writing tickets if they don't do it. Chairman Vispoli felt if they are not going to enforce this with a ticket, it essentially could be a policy with the same response. Police Chief Pattullo said they have a bylaw now that requires business owners to remove snow downtown and if they don't they are subject to a fine.

### **VII. Regular Business of the Board (Cont.)**

#### **A. Discuss Special Town Meeting Warrant Articles (Cont.):**

##### **Article #2 - Special Town Meeting – General Bylaw Amendment – Sidewalk Snow Removal (P) (Cont.)**

In 26 years, he said no one has been fined and every store downtown that has not complied has received a friendly reminder. If someone is not heeding the friendly reminder, they could be fined.

After all discussion, it was moved by Selectman Teichert that the Board recommend approval of Special Town Meeting Article #2. The motion was seconded by Selectman Lyman. The motion was voted and disapproved 2-3 (Selectmen Teichert and Lyman in favor of the motion). Chairman Vispoli said he would like to have as much information available from other towns including policies on this issue.

##### **Article #3 - 16 Pearson Street Acquisition**

It was moved by Selectman Major that the Board of Selectmen recommend approval of Article 3 of the Special Town Meeting, for the purpose of 16 Pearson Street Acquisition. Selectman Major said there would be a number to purchase this property prior to Town Meeting.

The motion was seconded by Selectman Teichert, voted and approved 4-0-1 (Selectman Stabile abstaining).

##### **Article #4 – 18 Pearson Street Acquisition**

It was moved by Selectman Major that the Board of Selectmen recommend approval of Article 4 of the Special Town Meeting, for the purpose of 18 Pearson Street Acquisition. The motion was seconded by Selectman Teichert, voted and approved 4-0-1 (Selectman Stabile abstaining).

##### **Article #5 – 37 Pearson Street**

It was moved by Selectman Major that the Board of Selectmen recommend approval of Article 5, Special Town Meeting, for the purpose of 37 Pearson Street Acquisition. The motion was seconded by Selectman Teichert, voted and approved 4-0-1 (Selectman Stabile abstaining).

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It was moved by Selectman Major that the Board of Selectmen open the Special Town Meeting warrant. The motion was seconded by Selectman Stabile. After Selectman Major explained the need to open the Warrant, the motion was voted and approved 5-0.

#### **VII. Regular Business of the Board (Cont.)**

##### **A. Discuss Special Town Meeting Warrant Articles (Cont.):**

###### **Article #5 – 37 Pearson Street (Cont.)**

It was moved by Selectman Major that the Board of Selectmen insert the following: Article 6 as detailed in the Special Town Meeting Warrant (Article 51 for purchase of 16 Blanchard Street) for \$2.1 million. The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Major that the Board of Selectmen close the Special Town Meeting warrant. The motion was seconded by Selectman Lyman, voted and approved 5-0.

##### **B. Signing of the April 24, 2007 Special Town Meeting Warrant**

It was moved by Selectman Major that the Board of Selectmen sign the Special Town Meeting Warrant. The motion was seconded by Selectman Teichert, voted and approved 5-0.

##### **C. 2007 Annual Town Meeting Warrant Articles**

###### **Article #4 –FY-2008 Budget**

###### **1. New Position – Community Services**

Kim Stamas and Mary Donahue appeared before the Board to discuss the proposed one new full time position with benefits in the Community Services budget. The Manager explained that it was up for discussion because he has no new positions that have benefits funded in the budget. Ms. Stamas explained to the Board that the individual that would fill this position is currently in the part time budget. The Selectmen were given the current figures of what this person has raised for the Town. Ms. Stamas said she started 18 new pre school classes, these classes are pre school programs, and it is working out great. There are 185 kids in these 18 classes and in two months the program has brought in \$9,350 and the cost to the town was \$4050. Come this spring, they have 5 programs with 244 kids in each program bringing in a total revenue of \$14,360; estimated expense cost \$4,753 and profit to the town of \$9,607. Ms. Stamas assured these were all real numbers and they have a waiting list of people who want to participate in more of the activities. Chairman Vispoli said it seems that they are creating a position for a person rather a position for a need. He understands the person is doing a great job and that is not the issue. One is sustainability and the other contracts they are working on now. Ms. Donohue said they are asking the Board's permission to fund it through the revolving fund with the understanding if it didn't meet their needs then the position would be gone.

#### **VII. Regular Business of the Board (Cont.)**



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**C. 2007 Annual Town Meeting Warrant Articles**

**Article #4 –FY-2008 Budget (Cont.)**

**1. New Position – Community Services (Cont.)**

After all discussion, it was moved by Selectman Lyman that the Board recommend approval of the position with the understanding that if the revenue doesn't come in, they will cut back the hours and they will meet their budget. The motion was seconded by Selectman Teichert, voted and approved 4-1 (Chairman Vispoli against).

**2. Andover Police Department – Resource Officer at the Greater Lawrence Technical High School**

Police Chief Brian Pattullo appeared before the Board to speak about his request for the Resource Officer at the Greater Lawrence Technical High School.

Chief Pattullo said the Superintendent at the Vocational School has generously agreed to fund \$40,000 for this resource. This person that will be put in the school but would not be the person he would bring on board with this money. The money would offset bringing in an entry-level officer and the person long term will reduce overtime and they will have the benefit of this person outside of the school year.

Chief Pattullo said the issue comes with the cost for a benefit package for an officer between \$10,000 to \$14,000. The question is where that money comes from. As to the benefit to the community, Chief Pattullo said the benefit is that he has a full time sworn officer on duty when the person is not assigned to the Vocational School as a School Resource Officer. In this fiscal year because of having some officers deployed overseas that are funded in the budget, he cannot fill those positions because they are not authorized to be filled. This will give him authorization to fill a position and there is some leeway within that budget for people who are now paid by the military.

Selectman Lyman asked Chief Pattullo if it would be a help to him budgetarily as well as coverage. Chief Pattullo said it would not equate \$10,000 to a reduction in the overtime budget to hire this position. Chairman Vispoli that this year he may not have a problem covering the \$10,000, the question is the sustainability standpoint. Chief said the sustainability has to come from the Vocational School as well. They are going to come up with the money next year. Chief Pattullo said it would have to be evaluated every year. If they stopped funded this and he was in full compliment that person would have to be laid off.

**VII. Regular Business of the Board (Cont.)**

**C. 2007 Annual Town Meeting Warrant Articles (Cont.)**

**Article #4 –FY-2008 Budget (Cont.)**

**2. Andover Police Department – Resource Officer at the Greater**

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**Lawrence Technical High School (Cont.)**

After all discussion, it was moved by Selectman Teichert that the Board approve the Resource Officer at the Greater Lawrence Technical High School contingent on the superintendent funding the \$40,000 for the position and the Town would be responsible for the benefits for this patrolman. The motion was seconded by Selectman Major voted and approved 5-0.

**Article #7 - Supplemental Appropriations**

Chairman of the Finance Committee Joanne Marden reported that the Finance Committee voted to recommend approval of this article.

It was moved by Selectman Teichert that the Board recommend approval of Article #7 - Supplemental Appropriations for the Town to transfer from free cash the sum of \$492,368 in appropriation; \$350,000 for Health Insurance Fund; \$100,000 for the Unemployment Compensation Fund; and \$42,368 to General Insurance Fund. The motion was seconded by Selectman Lyman, voted and approved 5-0.

**Article #9 – Unexpended Appropriation**

It was moved by Selectman Stabile that the Town vote to approve the sum of \$145,961.71 from the following unexpended appropriations:

Article #19 – 1999

Architectural Plans New Middle Elementary School \$80,023.63

Article #50 – 2002

Dascomb Road Traffic Signals	\$65,938.08
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And appropriate for repairs:

Bancroft and West Elementary Schools	\$80,023.63
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Fence and Bridge Repairs	\$65,938.08
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The motion was seconded by Selectman Teichert. Joanne Marden reported that the Finance Committee voted to recommend approval of this article. The motion was voted and approved 5-0.  
VII. **Regular Business of the Board (Cont.)**

**C. 2007 Annual Town Meeting Warrant Articles (Cont.)**

**Article #17 Sidewalk Reconstruction – 1-Year Plan**

It was moved by Selectman Major that the Board of Selectmen recommend approval of Warrant Article #17 Sidewalk Reconstruction – 1 Year Plan in the amount of \$1,190,000. The motion was seconded by Selectman Lyman voted and approved 5-0. Joanne Marden said the Finance Committee recommended disapproval of this article.

**Article #18 – Sidewalk Reconstruction – 5 Year Plan Debt Exclusion**

It was moved by Selectman Major that the Board of Selectmen recommend withdrawal of

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Article #18 – Sidewalk Reconstruction – 5 Year Plan Debt/Exclusion in the amount of \$5,578,000. The motion was seconded by Selectman Lyman voted and approved 5-0.

**Article #42 GBL Amend – Building/Property Maintenance Code (P)**

It was moved by Selectman Major that the Board of Selectmen recommends disapproval of Article #42 GBL Amend – Building/Property Maintenance Code (P). The motion was seconded by Selectman Lyman, voted and approved 5-0.

**Article #51 – Acquisition of Land – 15 Blanchard Street**

It was moved by Selectman Major that the Board of Selectmen recommend withdrawal of Article #51. The motion was seconded by Selectman Lyman, voted and approved 5-0.

**Article #53 – Bridge Repairs**

It was moved by Selectman Lyman that the Board recommend approval of Article #53. The motion was seconded by Selectman Major voted and approved 5-0.

**Article #60 – Stormwater Management & Erosion Control – General Bylaw**

Left on Hold

**Article #6 – Special Town Meeting, 15 Blanchard Street**

It was moved by Selectman Major that the Board recommend approval of Article #6 in the Special Town Meeting warrant, 15 Blanchard Street. The motion was seconded by Selectman Lyman, voted and approved 5-0.

**VIII. Tri-Board Meeting with the School Committee, Finance Committee and Selectmen to Discuss the FY-2008 Budget**

The following members from the School Committee were present: Chair Tony James and members Debra R. Silberstein, Richard Collins, Dr. David Samuels and Arthur H. Barber. Also, Superintendent of Schools Dr. Claudia Bach and Business Manager Evan Katz. The following members from the Finance Committee were present: Chair Joanne F. Marden and members Harold J. Wright, Timothy L. Felter, Richard T. Howe, S. Jon Stumpf, Mary O'Donoghue, Mark Merritt and Cynthia Milne.

Chairman Vispoli opened the meeting which he said was a follow-up of the meeting last week when they outlined what the gap in the budget was and put together scenarios that got them to about \$1 million plus or minus. He said they went back as two groups, Schools and Town, to try to look at ways to look for an 1-1.2% reduction across the Board to get to a point to have a balanced budget to go to town meeting with. Chairman Vispoli said the agenda now is a report back from the two groups and hopefully, to get to an agreement prior to Town Meeting.

As an update Joanne Marden said she felt they should acknowledge there is a change in one of the numbers that they had been using in their list the last time they met, the number of \$217,000

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for potential savings in utilities. Unfortunately, they learned that particular calculation concluded that they would be saving money from the water and sewer utilities too. She said that even if the Water Department reduces their electrical usage it doesn't free up any money for use else way. The surplus remains in the Water Department and it will be operating with a bigger surplus. Ms. Marden said the more realistic number is \$100,000 that accomplishes the same thing that they talked about at their last meeting but just takes it out of town and school budgets across the board.

The Manager said he took the summary Joanne Marden circulated on Friday and penciled in that change and came up with the new deficit figure. Ms. Marden said there were a number of budget reductions that were discussed last week when they met and that some town expense budget reductions that the Selectmen agreed to may total \$100,000; some school budget reductions that seem to be above level services are for supplies or for 9 new teacher positions. They were not taken off the deficit number because when they were discussed at the meeting the responses were that they have to get that to their department heads and principals and so on to see what the implications would be to make those reductions. It was her assumption that whatever list they see from the Town Manager and the Superintendent, it will address those issues too.

The Manager said the third sheet he distributed was a straightforward review of the information he provided the Selectmen over the weekend to show what a \$100,000 reduction would look like. He said he met with key staff and they are in the process of flushing these out. What will not change is the bottom line of the \$100,000 the additional 1% is going to have to go up to account for the energy changes. The total for the Town is going to be \$453,224.

### **VIII. Tri-Board Meeting with the School Committee, Finance Committee and Selectmen to Discuss the FY-2008 Budget (Cont.)**

Dr. Bach handed out a paper showing the School Budget update. She said they had a long meeting with the principals this morning and worked on prioritizing. They came out with the following six levels of prioritization: the supply budget; a second list reducing CIP projects; non mandated positions; increasing fees; dismantle the rebuilding what they have been doing the last two years; and, raising class sizes. She said the last two definitely would affect programs and people. Dr. Bach then reviewed the handout.

Joanne Marden said there has been a lot of discussion in the Finance Committee how important it was to come to one agreement around the table to present one budget to town meeting if possible. She felt they should all be involved in creating a long-term plan.

No matter what they do this year, Ms. Marden said they are not going to come up with a sustainable budget and know they will be in the same position next year. The only way to leave this year's town meeting with that sense of working together with the public's confidence that they are trying to plan with the whole community to meet everyone's needs and take into consideration the impact on the taxpayer is that they have to work together. The way they do it next year, either require cuts or an override, but start working on it early so they have the problem well described by the time they get to this point next year. Ms. Marden said from the Finance Committee prospective, they kind of agreed that if they have to do something other then cut budget, they would move towards not spending as much on capital projects rather then increasing their use of free cash. If additional money became available this year, she felt it would be much easier to reinstate the capital projects that were cut off the list.

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Tony James summarized that the new town gap was \$454,000 and that they had reduction of expenses a little over \$103,000; the gap without cutting programs or people on the town side was \$351,000. He thought the Manager had said the \$103,000 taken in expense reduction would not affect programs or people. The Manager said it would affect services because he was going to have a 1% increase over the appropriation they have for FY07. It is going to be delayed hiring, looking at the part time people they have, and reducing programs. Mr. James said when he tries to go for that \$325,000 or more that will definitely affect both people and services. The Manager said that is when risk management comes in. He said he would like to go back at town meeting to a more general grouping of budget votes so they can have more flexibility to deal with these reductions through the course of the year.

Tony James summarized what the gap is now: The new number for the schools' gap of \$799,000, take out the list of items Dr. Bach listed you come down to a gap of \$205,000. Take all reductions without effecting teachers or services. He said he was trying to put together the same logic he heard from the Manager; the new deficit in the change of utilities is \$454,000; an expense reduction of \$103,000 so the gap there is \$351,000. Add that to the \$205,000, the gap they have presently without cutting people is \$556,000.

### **VIII. Tri-Board Meeting with the School Committee, Finance Committee and Selectmen to Discuss the FY-2008 Budget (Cont.)**

Chairman Vispoli said the question now is how they find out from the Manager what the additional cuts will be. The Manager said that is going to take some work by his department heads. Selectman Stabile asked if the Manager has considered those cuts to include capital items. The Manager answered that it has not but if he was directed otherwise, they would.

Selectman Major said he was concerned with the proposal on the table now in that they are funding next year's budget with a checkbook, which they don't have the cash in the account to pay, putting them in a huge hole. He felt they should ask for an override this year. Mr. Howe disagreed. He didn't think they are looking at the capital items with the same sense of urgency that they are looking at the operating budget and some of them may not be essential. He felt they needed to look at each one of them at the same way they are looking at all of the operating expenses. Mr. Howe said that asking for an override this year is a worse disaster because it is coming late in the game and they don't have the time to adequately explore what they will put on the override question and keep their faith with the voters of town meeting and the town.

Tony James said that Thursday night they discussed this issue and they all concurred at that time and understood they have to have an override. They all agreed that it wasn't possible to educate the public this year on an override and to do everything they could paste together for this year and acknowledge and commit each one of them and their boards to put together a coherent understandable and large override for next year. Selectman Major said he remembers they specifically said to reduce 1% from every line of the budget. Selectman Stabile said he didn't remember having a consensus that they weren't going to do it but there was a lot of discussion that it would be difficult going to the voters this year. He agreed that they should look to the Town Manager and Superintendent to see what that the 1% cuts would look like. Mr. Samuel said he remembers that there would not be an override. Dick Collins felt they have money available for a rainy day and said it is pouring now.

Selectman Major felt they are putting up distrust letting people think they can solve the

### **April 9, 2007 (Cont.)**

budget problems. They haven't solved them and they are spending a lot more than they can afford to spend. Debra Silberstein said she didn't think anyone feels they solved the problem. She said the School Committee didn't vote on the budget but would feel comfortable at some level; it is a compromise in an effort to go for one budget. Selectman Major said at town meeting they have to spell out precisely what the problem is they are facing this year if they go with this budget. Mr. Stumph told Selectman Major that everyone agrees with him but he didn't believe a couple of weeks prior to town meeting you can communicate to the voters the impact of what that is going to mean as far as loss of staffing and or services. In 2009 you will have the choice and let people know early on, paint the picture and provide clarity in September or October to have an educated vote at town meeting.

### **VIII. Tri-Board Meeting with the School Committee, Finance Committee and Selectmen to Discuss the FY-2008 Budget (Cont.)**

Harold Wright said what has been said tonight is discussion the Finance Committee has been having and they are the biggest advocates around for capital improvements. He felt they are spending too much and not taking in enough. If they don't have cuts, they go to an override, but didn't feel they have the time to do the override this year. Selectman Major said he wants to make sure town meeting knows precisely what they are getting into and what is going to be expected of them next year in order to be able to maintain the level of services they have. Chairman Vispoli agreed that next year should be no mystery to provide both of these numbers before town meeting. Ms. Milne asked if it was possible to look at the CIP and just do those projects that are emergencies so that they don't have to take such high cuts.

As a suggestion Mr. Howe asked the Selectmen to give the Town Manager not only the flexibility he asked for by collapsing some of the budget categories but also the opportunity to compare some of the cuts that his department heads will come forward against some of the capital projects out there. That way he can make a judgment on the same basis the Superintendent has as to which is the higher priority. That would give them an elaborated list that would be less severe in terms of the kind of service cuts that the Manager clearly spoke to earlier. The Manager said he didn't look at the CIP because he always held that sacred and not to be invaded.

It was moved by Selectman Lyman that the Board ask the Manager to look at the CIP and see what the tradeoffs would be between the CIP and positions cut as he tries to prepare to make the reduction and close the gap. The motion was seconded by Selectman Stabile.

PTO President Bill Pennington said that parents have contributed a lot to the budget by fundraisers and they pay all the fees. They understand the severity of the problem and that the parent population would be willing to pay an increase in fees on the short term basis if the group here commits and works extremely hard on an override for next year and work together. Anna Ciaravola added that it was not so much the parents are willing to pay the fees but more that they don't see what the options are. If they are going to talk about moving backwards from where they are and put them in or loose their accreditation, the other choice is to cut back athletics completely or cut athletics at the point they raise the fees. If they are going for an override, she was a little disappointed they didn't take the ball and run with it last year because the discussion was there. It was inevitable they were coming here and going to move forward.

**April 9, 2007 (Cont.)**

Chairman Vispoli asked Ms. Marden to put something in the Finance Committee Report to tell the citizens where they are going that is a road map for town meeting. Also for the Town Manager to move forward and provide additional reviews and also weigh priorities against capital projects.

The motion was voted and approved 4-1 (Selectman Major against).

**VIII. Tri-Board Meeting with the School Committee, Finance Committee and Selectmen to Discuss the FY-2008 Budget (Cont.)**

After a discussion, it was the consensus to meet on Thursday, April 12 at 8:30 p.m. to discuss this further and to meet in the School Committee Meeting room.

**IX. Consent Agenda Items**

**A. Appointments and Re-appointments**

It was moved by Selectman Lyman, seconded by Selectmen Stabile, that the following appointment by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
<b>COMMUNITY SERVICES</b>			
Carolyn Kane	Enrichment Instructor – PT	****	1/31/07
**** Stipend varies with course			

The motion was approved 5-0.

It was moved by Selectman Lyman, seconded by Selectman Stabile, that the following appointment by the Town Manager be approved:

**PLANNING BOARD**

Selena Goldberg (v. S. Doherty) – Regular Member – Term expires 6/30/09

The motion was approved 5-0.

It was moved by Selectman Lyman, seconded by Selectman Stabile, that the following appointment by the Town Manager be approved:

**MEMORIAL HALL LIBRARY TRUSTEES**

Ann Handley (v. R. Dunbar) – Term expires 6/30/08

The motion was approved 5-0.

It was moved by Selectman Stabile, seconded by Selectman Major, that the following appointments by the Town Manager be approved:

**April 9, 2007 (Cont.)**

**IX. Consent Agenda Items (Cont.)**

**A. Appointments and Re-appointments**

**TRIAD COUNCIL**

Susan Toth – Term expires 6/30/09

Mary Joyce Kernan – Term expires 6/30/09

The motion was approved 5-0.

**B. One Day Beer & Wine Licenses**

**1. Joseph T. Barbagallo, 393 Sutton Street, North Andover**

It was moved by Selectmen Lyman that the Board approve the request of Joseph T. Barbagallo, 393 Sutton Street, North Andover, for a one-day beer & wine license for use at the Town House on Saturday, April 28, 2007 from 4:00 P.M. to midnight for a birthday party.

This request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Teichert, voted and approved 5-0.

**2. James Kapelson, KAPS, 5 Main Street, Andover**

It was moved by Selectman Lyman that the Board approve the request of James Kapelson, KAPS, 5 Main Street, Andover, for a one-day beer & wine license for use at his place of business on Thursday, April 26, 2007 from 3:00 P.M. to 9:00 P.M. for an Italian Moda Night.

This request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Teichert, voted and approved 5-0.

**C. One-Day All-Alcoholic Beverage License**

It was moved by Selectman Lyman that the Board approve the request of Nancy Chabot, Andover School of Montessori, 400 South Main Street, Andover, for a one-day all-alcoholic beverage license for use at the School on Saturday, May 5, 2007 from 5:00 P.M. to 11:00 P.M. for an Auction. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Teichert, voted and approved 5-0.

**X. Adjournment – 11:00 P.M.**

Before closing Selectman Teichert said this being the last meeting that Selectman Vispoli



**April 9, 2007 (Cont.)**

would be chairman in this room, he wanted to say that he did a nice job and commended him for his service to the town. Chairman Vispoli said he appreciated that as well as the confidence that the Board gave him in support during the year.

With no further business for the Board, it was moved by Selectman Teichert that the Board close the Regular Meeting of the Board at 11:00 p.m. The motion was seconded by Selectman Lyman, voted and approved 5-0.

Elizabeth A. Kochakian  
Recording Secretary